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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/214,865

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YOSHIHIKO TAKISHITA

Q52837

8105

7590

12/01/2005

SUGHRUE MION ZINN MACPEAK & SEAS
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EXAMINER

KIM, PAUL L

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/214,865

Applicant(s)

TAKISHITA, YOSHIHIKO

Examiner

Paul Kim

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-15 and 46-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-15 and 46-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 11, 14, 49, 50, 53, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanda et al in view of Wood et al.

With regard to claims 1, 11, and 53, Kanda et al teaches an ultrasonic inspection system that includes an inspection system with a probe and a main body (fig. 5, parts 2 and 1000), a computer (col. 8, lines 63+), a data storage section (fig. 35, part 619) for storing specimen inspection data (col. 6, lines 24-25), and wherein the data is reception level data (col. 6, lines 15-16) and the computer including means for comparing recent data to a predetermined setup value (col. 26, lines 13-18 & 54-57). Kanda et al does not teach the computer being a "host" computer and does not teach a plurality of inspection systems being connected to a host computer through a transmission line. Wood et al teaches a host computer connected to a plurality of ultrasonic inspection systems (fig. 16), each with it's own storage unit (fig. 1, part 24), and the ultrasonic inspection system receiving reception level data (fig. 1, part 12 & col. 2, lines 62+) and transferring this data to the host (col. 13, lines 1-5). Wood et al does not specify the data being compared to a predetermined value, however. Since Wood et al and Kanda et al both

teach ultrasonic inspection systems in which data is stored and processed by a computer, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Kanda et al, so that multiple inspection systems are connected together and the data transferred to a main unit or host computer, as taught by Wood et al, in order to improve efficiency and cut costs by operating a plurality of systems from a main host unit.

With regard to claim 3, Kanda et al teaches the inspection system comprising a determination means (fig. 5, part 24).

With regard to claim 14, Kanda et al teaches a probe data reception means for receiving data of the probe (fig. 5, part 3).

With regard to claims 49 and 54, Kanda et al teaches the system comprising a display section (fig. 5, part 14).

With regard to claim 50, Kanda et al teaches the system having a data management function and the ultrasonic probe being provided with a storage device for storing characteristic data (fig. 5, part 21).

3. Claims 4-7, 46-48, 51, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanda et al in view of Lather et al.

Kanda et al does not teach the ultrasonic inspection system comprising of a probe test. Lather et al teaches an automatic self-checking of test equipment consisting of a probe comprising a T/R circuit (fig. 1, part 4), waveform-processing circuit (fig. 1, part 6), data storage for storing probe data (fig. 4, parts 6 and 19), and control section

(fig. 1, part 8). Lather et al teaches opposing the probe to a test object (fig. 1, part 1), collecting data from the T/R circuit when probe is excited (col. 2, lines 5-10), disconnecting the probe from the T/R circuit and collecting a second data (col. 1, lines 58+), and determining whether the probe is abnormal based on the tests (col. 2, lines 25-34). Since Kanda et al and Lather et al are both within the art of operating ultrasonic data-collecting equipment, and because Lather et al teaches the benefits of probe self-test, it would have been obvious to one of ordinary skill in the art at the time of the invention, to modify Kanda et al, so that the inspection system includes a probe test means, as taught by Lather et al, so as to receive the benefits of saving system downtime and improving data accuracy.

4. Claims 9, 10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanda et al in view of La Pierre.

Kanda et al does not specify the inspection system having a change comparison means. La Pierre teaches a method of analyzing trend data of an engine in which difference between the most recent data and the preceding data is compared to a threshold (fig. 1, step 16 & col. 1, lines 45+). Since Kanda et al and La Pierre are both within the art of defect inspection, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Kanda et al, so that a change comparison means is included, as taught by La Pierre, so as to receive the benefit of enhanced data accuracy.

5. Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Kanda et al in view of Senba.

Kanda et al also does not teach the data being predetermined data in components making up the system body. Senba, as best can be determined by the reference, teaches an inspection system that include component data reception means for receiving predetermined component data (abstract). Because Kanda et al and Senba are both within the art of specimen inspection, it would have been obvious to one of ordinary skill in the art at the time of the invention, to modify Kanda et al, so that the ultrasonic inspection system receives data in components making up the system body, as taught by Senba, in order to minimize breakdowns and improve reliability.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 3-7, 9-15, and 46-54 have been considered but are moot in view of the new ground(s) of rejection.


In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is 571-272-2217. The examiner can normally be reached on Monday-Thursday 10:00-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

PK
November 26, 2005


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2857